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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/722,760      | 11/27/2000  | Eduard Michel        | 1999DE132           | 4985             |

25255 7590 02/11/2002

CLARIANT CORPORATION  
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ATTN: INDUSTRIAL PROPERTY DEPT  
CHARLOTTE, NC 28216

EXAMINER

NOTE, JANIS L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1753

DATE MAILED: 02/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/722,760

Applicant(s)

MICHEL et al

Examiner

J. DOTE

Group Art Unit

1753

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 11/27/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1 - 15 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☒ Claim(s) 1 - 15 are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received
- in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

1. Claims 1-11, 14, and 15 are generic to a plurality of disclosed patentably distinct species comprising distinct products and distinct processes to make distinct products. The products and processes are directed to the following distinct species: (1) an electrophotographic toner or developer; (2) a powder or powder coating; (3) an electret fiber material; and (4) an electrostatic separation process. Each distinct species is classified in different classes:

(1) The electrophotographic toner or developer, class 430, subclass 108.2+;

(2) The powder or powder coating, class 106, subclass 287.1+, or class 524, subclass 789+.

(3) The electret, class 307, subclass 400; and

(4) The electrostatic separation process, class 209, subclass 127.1+.

Applicants are required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should applicants traverse on the ground that the species are not patentably distinct, applicants should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or

admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

If applicants elect either species (1) through (3), claims 12 and 13 will be examined with the elected species.

If applicants elect species (4), a further restriction between the process claims 1-11 and compound claims 12 and 13 will be required.

In addition to the election of species, applicants are further required to name an ultimate species of invention, wherein the salt-like structured silicate is identified as a unique chemical compound, for example, hectorite with the fluorinated quaternary ammonium compound identified in preparation example 2 at page 32 of the instant specification.

Applicants should identify all claims that read on the ultimate elected species of invention comprising the uniquely identified salt-like structured silicate. Applicants are advised that if they elect any of species (1) through (3), they must further identify whether compound claims 12 and 13 read on the uniquely identified salt-like structured silicate.

2. Due to the complexity of the election of species requirements and the further requirement of the identification of the ultimate species of invention, applicants' representative was

not contacted to request an oral election to the above restriction requirement.

3. Applicants are advised that a complete reply to this requirement must include an election of species and the identification of the ultimate species of invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (703) 308-3625. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nam Nguyen, can be reached on (703) 308-3322. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9311 (Rightfax) for after final faxes, and (703) 305-7718 for other official faxes.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Alva Catlett, whose telephone number is (703) 308-1100.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Janis L. Dote*  
JANIS L. DOTE  
PRIMARY EXAMINER  
GROUP ~~1500~~  
1700

JLD  
February 9, 2002